

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 4, 5 and 30-34 are pending in the application. No claim amendments are presented, thus, no new matter is added.

In the outstanding Official Action, Claims 1, 4-5 and 30-34 were rejected under 35 U.S.C. §103(a) as unpatentable over Crosby et al. (U.S. Patent No. 6,628,928, hereinafter Crosby) in view of Suzuki (U.S. Patent No. 5,857,149).

In response to the rejection of Claims 1, 4, 5 and 30-34 under 35 U.S.C. §103(a), Applicant respectfully submits that independent Claims 1 and 4 recite novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 1 recites, in part, an information processing apparatus, comprising:

an acquisition means for acquiring information on a radio broadcast station and information on an audio quiz question presented by said radio broadcast station;

a generation means for generating radio broadcast station identification information and generating content identification information for identifying the audio quiz question on the basis of said information acquired by said acquisition means, wherein the generated radio broadcast station identification information and content identification information ***are different from the acquired information on a radio broadcast station and information on an audio quiz question...***

Independent Claim 4, while directed to an alternative embodiment, recites substantially similar features. Accordingly, the remarks presented below are applicable to each of independent Claims 1 and 4.

As an initial matter, the Official Action at p. 5 states that "The examiner is perplexed with the separation between applicant's claim language and specification cited." As previously noted, however, an exemplary embodiment of the ID-assigning functional unit

(42) and the provider-address-identifying and connecting functional unit (44) of the ID-assigning server (3) is described at Fig. 2 and pp. 43-44 of the specification. As noted at p. 43, the ID-assigning functional unit (42) acquires information on a radio broadcast station (e.g., a provider, the network address of the provider, etc.) and information on an audio quiz question (e.g., title of a content, etc.) presented by a radio broadcast station. As described at p. 42 and Fig. 1, for example, the content may be a radio broadcast that is listened to by a listener and transmitted via a number of communication medium and may include a quiz question to which a listener responds.

P. 43 further discloses that the generation means of the ID-assigning functional unit (42) generates radio broadcast station identification information (e.g., provider ID) and content identification information (e.g., content ID) for identifying the audio quiz question on the basis of said information acquired by the acquisition means. The generated radio broadcast station identification information (e.g., provider ID) and content identification information (e.g., content ID) are different from the acquired information on a radio broadcast station (e.g., name of a provider, the network address of the provider, etc.) and information on an audio quiz question (e.g., title of a content, etc.). Thus, the language used in the claims is clearly consistent with, and maps to, the language used in the specification. Further, the specification clearly indicates that an audio quiz question is content that may be broadcast by the system.

Further, it should be noted that the purpose of assigning the above-noted provider ID and content ID, which are different from the information acquired on the radio broadcast station and the audio quiz question, is to facilitate the process performed by the tagging server (4), as described at pp. 44-45. Specifically, the tagging server (4) allows the provider ID and the content ID to be embedded in an actual broadcast so that a user might more easily respond to an audio quiz question. Thus, the information related to the content and the

content provider is stored in a database and is mapped to the provider ID and the content ID assigned by the ID-assigning functional unit (42). This process allows for the more efficient transmission and retrieval of information related to a specific radio broadcast.

Additionally, the remarks at pp. 5-6 of the Official Action note that “the specification denotes that the ID-assigning unit (42) is performing the steps, but the claims do not specify this anywhere. The beginning of page 6 of the argument shows reasons behind assigning IDs but the claims do not.” Applicant wishes to note that the claims need not show reasons behind assigning IDs, but only must recite how the IDs are actually assigned. Further, the claims recite “an acquisition means for acquiring”, “the generation means for generating”, etc. and therefore are to be interpreted under 35 U.S.C. §112, sixth paragraph. Thus, these claims “shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.” Accordingly, in contrast to the assertion set forth in the Official Action, the structure/acts described in the specification should be read into the claims.

Regarding the outstanding rejection under 35 U.S.C. §103, Applicant respectfully submits that Crosby fails to teach or suggest the claimed features for which it is asserted as a primary reference under 35 U.S.C. §103.

Crosby describes an interactive radio system for use with broadcast radio stations wherein feedback is provided to subscribers of the system via the Internet.¹ In Crosby’s system, each mobile unit (122) includes a receiver (116) for receiving radio broadcasts, a GPS system (118) for determining the location of the vehicle, and a wireless transmitter (120) for transmitting interactive radio control signals between network operation center.² While listening to a radio broadcast, the subscriber selects program segments of interest by pressing an interactive radio control button on the mobile unit and, in response, the mobile unit

¹ Crosby, Abstract.

² Id.

transmits the carrier frequency of the radio broadcast, the date, the time, the geographical location of the vehicle, and a subscriber identification signal to the network operations center using the wireless transmitter. The network operation center then determines the identity of the selected program segment and accesses database to provide information pertaining to the selected program segment which is then provided to the subscriber via the Internet.³

Crosby, however, fails to teach or suggest an information processing apparatus that includes “a generation means for generating radio broadcast station identification information and generating content identification information...*wherein the generated radio broadcast station identification information and content identification information are different from the acquired information on a radio broadcast station and information on an audio quiz question,*” as recited in independent Claim 1.

In addressing features directed to “acquiring information on a radio broadcast station and information on data presented by said radio broadcast station,” the Official Action relies on col. 6, lines 42-52 of Crosby. This cited portion of Crosby describes that a set of land-based radio broadcasters (102) each broadcast radio signals encoded with specific program information, such as the information identifying individual program segments. The various broadcasts are received at mobile units mounted within automobiles (104).

In addressing the “means for generating” identification information, the Official Action relies on col. 7, lines 31-47 of Crosby. This cited portion of Crosby describes the process that takes place when the network operation center (110) processes interactive radio signals transmitted by the mobile unit to generate appropriate feedback to the subscriber via the Internet. Crosby describes that the interactive radio signals transmitted by the mobile unit include a broadcast attribute signal identifying a carrier frequency of the radio broadcast and the date and time the broadcast was received along with additional information identifying

³ Id.

the location and the ID of the mobile unit. In response to these signals, the network operation center (110) determines the identity of the broadcast based on the carrier frequency of the broadcast and the geographical location of the mobile unit to determine the specific program statement selected by the subscriber.

Thus, Crosby fails to teach or suggest that identification information for the radio broadcast station and the audio quiz question are generated “on the basis of the information acquired by the acquisition means,” whatsoever. Instead, Crosby simply describes that the mobile unit sends a broadcast attribute signal identifying a carrier frequency of the radio broadcast and the date and time the broadcast was received to the network operations center (110) which must then use this information to search a database and determine the specific program segment selected by a subscriber. Thus, Crosby does not generate radio broadcast station identification information and content identification information based on the information acquired at the mobile unit. Instead, Crosby describes that the mobile unit obtains information regarding the broadcast signal and transmits this information to the network operations center (110) which then uses this information, not ID information assigned to this information, to determine the specific program segment selected by the subscriber.

Further, it is not clear from the cited portions of Crosby how the information on the radio broadcast station and the data presented by the radio broadcast station of the mobile device are different from that which are asserted as being generated by the network operation center (110). Specifically, the network operation center (110) uses the same information that it receives from the mobile station in order to determine the specific program segment selected by the subscriber (e.g., broadcast attribute signal identifying a carrier frequency of the radio broadcast and the date and time the broadcast was received).

Further, the preamble of Claims 1 and 4 clearly claim “an information processing apparatus.” The Official action attempts to assert that function performed by each of a mobile station and the network operation center read on features recited in independent Claims 1 and 4. Such a rejection is unfounded unless it can be shown that the mobile unit and the network operation center of Crosby are the same device. Specifically, the claimed “information processing apparatus” corresponds at least to the ID-assigning server (3) as discussed above and at pp. 43-44 of the originally filed specification.

Therefore, Crosby fails to teach or suggest “an information processing apparatus” comprising at least the “acquisition means” and “generation means” as recited in independent Claims 1 and 4.

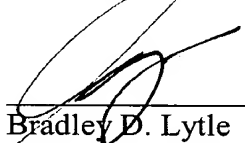
Further, Suzuki is relied upon only to address the feature related to the content being an “audio quiz question”, and fails to remedy any of the above-noted deficiencies of Crosby.

Accordingly, Applicant respectfully requests that the rejection of Claim 1 (and the claims that dependent therefrom) under 35 U.S.C. §103 be withdrawn. For substantially similar reasons, it is also submitted that independent Claim 4 (and the claims that depend therefrom) patentably define over Crosby and/or Suzuki.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 4, 5 and 30-34 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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